

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 24, 2011 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)

Members Excused: Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Executive Action: HB 203-Tabled, HB 379-Tabled, HB 448-Tabled,
HJ 14-Tabled, SB 154-Tabled, SB 170-Tabled, HB 269-Be
Concurred In, HB 185-Be Concurred In, HB 102-Be
Concurred In, HB 480-Be Concurred In, HB 167-Be
Concurred In As Amended, HB 12-Be Concurred In As
Amended, HB 69-Be Concurred In As Amended, HB 106-
Be Concurred In As Amended

00:02:59 Chairman Murphy

EXECUTIVE ACTION ON HB 203

(Sen. Moss absent from room)

EXHIBIT(jus66a01)

Exhibit from Rep. Menahan regarding HB 203 heard 3/23/11

00:03:52 **Motion:** Sen. Blewett moved that **HB 203 BE CONCURRED IN.**

Discussion:

00:06:48 Sen. Shockley

00:10:49 Sen. Jent

00:14:32 Sen. Blewett

00:15:27 Sen. Shockley

00:16:04 Sen. Jent

00:19:36 Sen. Blewett

00:23:01 Sen. Shockley

00:23:40 Sen. Hinkle

00:24:26 Sen. Essmann

00:24:48 **Vote:** Motion failed 4-8 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Larsen and Sen. Moss voting aye. Sen. Moss, Sen. Peterson and Sen. Vincent voted by proxy. Without Objection motion to reverse the vote and table carried.

EXECUTIVE ACTION ON HB 269

(Sen. Larsen absent from room)

00:27:51 **Motion/Vote:** Sen. Hinkle moved that **HB 269 BE CONCURRED IN.** Motion carried unanimously by roll call vote. Sen. Larsen, Sen. Moss, Sen. Peterson and Sen. Vincent voted by proxy. Sen. Jent will carry the bill.

EXECUTIVE ACTION ON HB 185

00:29:27 **Motion/Vote:** Sen. Hinkle moved that **HB 185 BE CONCURRED IN.** Motion carried unanimously by roll call vote. Sen. Larsen, Sen. Moss, Sen. Peterson and Sen. Vincent voted by proxy. Sen. Hutton will carry the bill.

EXECUTIVE ACTION ON HB 167

(Sen. Moss and Sen. Larsen return to the room, Sen. Shockley absent from the room)

00:31:04 **Motion:** Sen. Hinkle moved that **HB 167 BE CONCURRED IN.**

00:31:45 **Motion:** Sen. Hutton moved that **HB 167 BE AMENDED.**

EXHIBIT(jus66a02)

Discussion:

00:32:23 Valencia Lane, Legislative Services Division (LSD)

00:34:14 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.

00:34:16 **Motion:** Sen. Hinkle moved that **HB 167 BE CONCURRED IN AS AMENDED.**

(Sen. Shockley returned to the room)

Discussion:

00:34:31 Sen. Blewett

00:35:24 Sen. Hinkle

00:36:03 Sen. Hutton

00:36:51 Sen. Augare

00:37:58 Sen. Larsen

00:38:30 Sen. Moss

00:39:32 Sen. Hutton

00:40:20 Sen. Jent

00:41:52 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Peterson and Sen. Vincent voted by proxy. Sen. Zinke will carry the bill.

EXECUTIVE ACTION ON HB 12

(Sen. Essmann and Sen. Shockley absent from the room)

00:44:36 **Motion:** Sen. Hinkle moved that **HB 12 BE CONCURRED IN.**

00:44:53 **Motion:** Sen. Jent moved that **HB 12 BE AMENDED.**

EXHIBIT(jus66a03)

Discussion:

00:45:13 Sen. Jent

00:50:05 Ms. Lane

(00:52:21 **Vote:** Motion carried 10-2 by roll call vote with Sen. Larsen and Sen. Moss voting no. Sen. Essmann, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.

00:52:24 **Motion:** Sen. Hinkle moved that **HB 12 BE CONCURRED IN AS AMENDED.**

(Sen. Essmann and Sen. Shockley returned to room)

Discussion:

00:52:34 Sen. Moss

00:53:46 Sen. Jent

00:54:58 Sen. Moss

00:55:00 **Vote:** Motion carried 10-2 by roll call vote with Sen. Larsen and Sen. Moss voting no. Sen. Peterson and Sen. Vincent voted by proxy. Sen. Jent will carry the bill.

EXECUTIVE ACTION ON HB 69

00:55:20 **Motion:** Sen. Hinkle moved that **HB 69 BE CONCURRED IN.**

00:55:45 **Motion:** Sen. Jent moved that **HB 69 BE AMENDED.**

[**EXHIBIT\(jus66a04\)**](#)

(Sen. Shockley absent from the room)

Discussion:

00:56:31 Sen. Jent

00:57:22 Ms. Lane

00:57:53 Sen. Jent

00:57:58 Ms. Lane

00:58:25 **Vote:** Motion carried 11-1 by roll call vote with Sen. Moss voting no. Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.

00:59:22 **Motion:** Sen. Hinkle moved that **HB 69 BE CONCURRED IN AS AMENDED.**

Discussion:

00:59:34 Sen. Moss

01:00:56 **Vote:** Motion carried 10-2 by roll call vote with Sen. Larsen and Sen. Moss voting no. Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy. Sen. Jent will carry the bill.

EXECUTIVE ACTION ON HB 106

01:01:25 **Motion:** Sen. Jent moved that **HB 106 BE CONCURRED IN.**

01:01:54 **Motion/Vote:** Sen. Hinkle moved that **HB 106 BE AMENDED.** Motion carried by roll call vote unanimously. Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.

EXHIBIT(jus66a05)

01:03:42 **Motion/Vote:** Sen. Hinkle moved that **HB 106 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by roll call vote. Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy. Sen. Jent will carry the bill.

01:05:15 Chairman Murphy

EXECUTIVE ACTION ON HB 102

01:05:40 **Motion:** Sen. Hinkle moved that **HB 102 BE CONCURRED IN.**

Discussion:

01:05:58 Sen. Moss

01:06:15 Ms. Lane

01:06:52 **Vote:** Motion carried unanimously by roll call vote. Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy. Sen. Hinkle will carry the bill.

01:07:38 Ms. Lane

(Recess)

(Sen. Moss, Sen. Jent, Sen. Blewett, Sen. Larsen absent from the room)

EXECUTIVE ACTION ON HB 379

01:30:05 **Motion/Vote:** Sen. Hinkle moved that **HB 379 BE CONCURRED IN.** Motion failed 6-6 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Essmann, Sen. Jent, Sen. Larsen and Sen. Moss voting aye. Sen. Blewett, Sen. Hutton, Sen. Jent, Sen. Larsen, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.

01:31:36 **Motion/Vote:** Sen. Augare moved that **HB 379 BE TABLED.** Motion carried unanimously by roll call vote. Sen. Blewett, Sen. Jent, Sen. Larsen, Sen. Moss, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON HB 480

01:32:41 **Motion/Vote:** Sen. Hinkle moved that **HB 480 BE CONCURRED IN.** Motion carried unanimously by roll call vote. Sen. Blewett, Sen. Jent, Sen. Larsen, Sen. Moss, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy. Sen. Blewett will carry the bill.

EXECUTIVE ACTION ON HJ 14

(Sen. Jent returned to room)

01:34:49 **Motion:** Sen. Hinkle moved that **HJ 14 BE CONCURRED IN.**

Discussion:

01:35:14 Sen. Jent

01:37:21 **Vote:** Motion failed 4-8 by roll call vote with Sen. Hinkle, Sen. Hutton, Sen. Murphy and Sen. Vincent voting aye. Sen. Blewett, Sen. Larsen, Sen. Moss, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy. Without objection motion to reverse the vote and table carried.

EXECUTIVE ACTION ON HB 448

01:38:03 **Motion:** Sen. Hinkle moved that **HB 448 BE CONCURRED IN.**

Discussion:

01:38:35 Sen. Jent

01:42:22 **Vote:** Motion failed 5-7 by roll call vote with Sen. Essmann, Sen. Hinkle, Sen. Hutton, Sen. Murphy and Sen. Vincent voting aye. Sen. Blewett, Sen. Larsen, Sen. Moss, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy. Without objection to reverse the vote and table carried.

(Sen. Moss returned to room)

01:42:51 Chairman Murphy

01:42:56 Sen. Essmann

EXECUTIVE ACTION ON HB 492

01:44:04 **Motion:** Sen. Hinkle moved that **HB 492 BE CONCURRED IN.**

Discussion:

01:44:42 Sen. Essmann

01:44:56 Sen Hinkle without objection **WITHDREW THE MOTION THAT HB 492 BE CONCURRED IN.**

(Sen. Larsen returned to room)

EXECUTIVE ACTION ON SB 154

01:45:11 **Motion/Vote:** Sen. Hinkle moved that **SB 154 BE TABLED**. Motion carried unanimously by roll call vote. Sen. Blewett, Sen. Jent, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 170

01:46:23 **Motion/Vote:** Sen. Hinkle moved that **SB 170 BE TABLED**. Motion carried unanimously by roll call vote. Sen. Blewett, Sen. Jent, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.

ADJOURNMENT

Adjournment: 11:30 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus66aad.pdf](#))